

CALL TO ORDER

Committeeman Haynes opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL - Present: Rob Haynes, Matt Severino, William Bischoff.

Absent: Patricia Dziubek (joined the meeting at 8:45 pm), Frank Mazza.

Others Present: J. Peter Jost, Esq., John Reymann, Twp. Engineer, and Ella M. Ruta, Township Clerk.

APPROVAL OF MINUTES

- a. Regular and Executive Session I & II Meeting Minutes of November 5, 2008.

Mr. Severino made a motion to approve the said minutes. Mr. Bischoff seconded the motion. Vote – Ayes: Mr. Severino, Mr. Bischoff. Abstained: Mr. Haynes. Motion carried.

VISITORS

Mrs. Diane LeVasseur, 344 Strotz Rd., presented the Committee with a letter asking the Committee that the LeVasseur’s property be considered in the Township’s Fair Share Plan. She spoke of her personal financial situation and the hardship the family is presently facing.

After the presentation Mr. Severino recommended that one of the Committee members, possibly Mrs. Dziubek, will contact the LeVasseurs on this matter.

Jeff Polenz, UT Road Dept. employee presented the Committee with his Graduation Diploma as the Certified Publics Works Manager. He thanked the Committee for giving him the opportunity to attend the classes and their support throughout the process. In a written letter to the Committee, Mr. Polenz articulated the value of information received that gave him a great understanding of how the Township operates. He said he would recommend these classes to anyone who works for the Township. Mr. Bischoff congratulated Mr. Polenz on obtaining the certification.

Mr. Polenz also asked the Committee to carry over his three (3) vacation days to the next year. He explained that he was on disability leave for an extended period and had no opportunity to take his vacation days. After a brief discussion, the Committee agreed to approve Mr. Polenz’s request to carry three (3) vacation days into the New Year.

Mr. Bischoff made a motion to approve Mr. Polenz’s request to carry over into 2009 his three (3) vacation days with a condition that they will be used in the first quarter of the 2009 and taken on no snow days. Mr. Severino seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff. Motion carried.

REPORTS RECEIVED

- a. Road Dept.- Week Ending 10/31; 11/07; 11/14, 11/21
- b. Building Department – October 2008
- c. Municipal Court – October 2008
 - Mr. Bischoff stated that the Union twp. Municipal Court moved from the Municipal Building to a Clinton Twp. facility on December 1, 2008

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d. Tax Collector – November 2008

e. Environmental Commission

- 10/14/08 Meeting Minutes

- RFP Review – Hoffman House

Ms. McBride provided a copy of the Request for Proposals Draft for the Hoffman House and Ancillary Structures. She briefly explained the conditions at the Hoffman property. She said the Stewardship Committee feels that the house cannot be left in the current state of decay much longer if the Township wants to save it. Ms. McBride presented two options; they are either renting/leasing it or demolishing it. She further elaborated on these options. She said that the RFP should help with making a decision with respect to the Hoffman House. Atty. Jost stated that whatever decision is made regarding Hoffman property Hunterdon County has to be notified, as they are partial owners of the property. Ms. McBride also asked the Committee to decide what is going to be done to other structures on the property. Mr. Bischoff asked that the Township and Stewardship Committee inspect the property together before any decisions are made.

- Douglass Conservation/Preservation Easement Draft

Presented particulars of the above easement. The Committee and Twp. Attorney Jost briefly discussed details of this matter.

At 7:45 PM Mrs. Dziubek joined the meeting. She presided over remainder of the meeting

- Approval to apply for Trails in Parks Grant

Ms. McBride apologized for asking for approval on such a short notice, but said she just received notification herself. Deadline for applying is December 15, 2008. She asked the Committee if they would like the Environmental Commission to go forward with application for this grant. The grant is from the EPA through the DEP for up to \$25,000.00 of which the 20% must be matching. The matching can be in-kind, material, labor or cash. Atty. Jost reminded the Committee that any modifications to the Milligan Farm must be reported to Hunterdon County for approval.

Mr. Haynes was concerned with hidden costs after submitting application.

After a brief discussion, **Mr. Severino made a motion to approve filing the Trails in Parks Grant application. Mr. Bischoff seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Motion Carried.**

Atty. Jost asked for clarification as to Committee approval for helping Ms. McBride in preparing final copy of the Conservation/Preservation Easement for Douglass Farm, as well as assisting the Stewardship Committee with tax and legal issues regarding RFP for the Hoffman House. It was the Committee agreement that Atty. Jost should assist in above mentioned matters.

CORRESPONDENCE

Mr. Bischoff mentioned the following:

- Asked that various State Agencies be notified of the current name of the Township Clerk. Mrs. Dziubek asked that COAH be notified that Atty. Koenig is the contact person for all Union Twp. COAH matters.
- A letter from Union Gap Village regarding Snow Removal Contract. Mr. Bischoff asked how the original contract was negotiated. Atty. Jost and Mr. Haynes explained that the Union Gap Village is contracting with a vendor for snow removal. The Township is provided with the copy for our files. Mr. Bischoff will look into the issue.

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- Noted that the unconditional approval letter was received from HC Planning Board for Milligan Farm Subdivision. Mr. Bischoff also mentioned that after approving a resolution regarding Milligan Farm Easement tonight, he will take it to the County tomorrow and pick up a check for 1.5 million dollars.
- Mrs. Dziubek mentioned a letter from COAH to Atty. Tubman regarding Affordable Housing Service contract. The Clerk was instructed to look for a copy of the Affordable Housing Service with the municipality. Mrs. Dziubek said that Ms. Lonergan could be contacted if more information is needed. Mrs. Dziubek also contacted COAH for a copy of letter from Ms. Tubman to COAH. Once received, it needs to be forwarded to Special COAH Counsel Koenig.

Mr. Severino mentioned the following:

- Asked about a letter from Howard D. Cohen, Esq. of Parker McCay regarding "The Federal Religious Land Use and Institutionalized Person Act". The Clerk was asked to provide a copy to Mr. Anderson, Planning Board Atty.

Mrs. Dziubek mentioned the following:

- Assemblywoman Marcia Karrow will hold a presentation/information session on the recently adopted Highlands Council's Memorandum of Understanding (MOU) with the Council on Affordable Housing. It is scheduled for Thursday, December 11th from 6:30 pm to 8:30 pm at the Water Supply Authority.

PUBLIC COMMENTS - None

PUBLIC HEARING – 2nd reading - None

OLD BUSINESS

- a. **RESOLUTION #2008-** : 2008-2009 Liquor License Renewal – Pattenburg House

Matter tabled - No Tax Clearance Certificate

- b. **Motion** – Cozze Bros, LLC; 2008 Junkyard License Renewal Application

Engineer Reymann stated that the tire removal process from the junkyard site is nearly finished.

NEW BUSINESS

- a. The following resolution was introduced for adoption:

RESOLUTION #2008-177

Re: Notice of Intent to Petition

The Highlands Council for Plan Conformance

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other key natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region and requiring that within nine to 15 months after September 8, 2008, each county and municipality located wholly or partially in the Preservation Area must submit a Petition for Plan Conformance to the Highlands Council for that portion of its jurisdiction lying within the Preservation Area; and

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WHEREAS, the Highlands Act specifies that conformance with the Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

WHEREAS, the Highlands Council's Plan Conformance Guidelines require that for jurisdictions with any lands in the Preservation Area, a Notice of Intent to conform to the Regional Master Plan must be submitted to the Highlands Council as soon as practicable, but not later than February 1, 2009 and that for any lands in the Planning Area, a Notice of Intent may be submitted at any time; and

WHEREAS, a Notice of Intent is not binding with respect to lands within the Planning Area; and,

WHEREAS, the Highland's Council Plan Conformance Guidelines state that all activities undertaken by a Highlands municipality to bring master plans and development regulations into conformance with the Regional Master Plan are considered to be within the scope of Plan Conformance

WHEREAS, the Highland's Council Plan Conformance Guidelines that the Highlands Council intends to ensure that Plan Conformance will address local or unique Circumstances, and that new or additional information available at the municipal level may be utilized during Plan Conformance.

WHEREAS, the Highlands Council has determined that nothing in these Plan Conformance Guidelines shall be construed to limit the authority of a municipality or county, as provided in Section 14 of the Highlands Act, to adopt revisions to its master plan, development regulations, or other regulations for the purposes of Plan Conformance that are stricter, as determined by the Highlands Council, than the minimum necessary to obtain approval of conformance with the Regional Master Plan.

WHEREAS, the Highlands Council shall make grant funds and other financial and technical assistance available to Highlands municipalities and counties for the reasonable costs of any revision of their master plans, development regulations, or other regulations which are designed to bring those plans or regulations into conformance with the Regional Master Plan.

WHEREAS, Union Township lies within the Highlands Region as defined by the Highlands Act; and

WHEREAS, the Union Township believes that it is in the best interest of Union Township to evaluate the benefits of and seek to conform to the Regional Master Plan.

NOW, THEREFORE BE IT RESOLVED, that the governing body of Union Township, Hunterdon County, New Jersey, hereby provides the Highlands Council with this Notice of Intent to petition the Highlands Council for Plan Conformance for all lands lying within the Preservation Area.

BE IT FURTHER RESOLVED, This Notice of Intent additionally specifies that the Union Township intends to include all lands lying with the Planning Area in the petition. In accordance with the Highlands Council's Plan Conformance Guidelines, this Notice of Intent is not binding with respect to lands within the Planning Area.

BE IT FURTHER RESOLVED, this Notice of Intent provides notice to the Highlands Council that the governing body of Union Township has set December 8, 2009, as the target date for submission of a Petition for Plan Conformance.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

b. The following resolution was introduced for adoption:

RESOLUTION #2008-178

**Seeking an Extension of the Deadline to Petition for Substantive Certification
Pursuant to Executive Order 114 and the Memorandum of Understanding Between
The Highlands Council and The Council on Affordable Housing**

WHEREAS, on September 5, 2008, Governor Corzine signed Executive Order 114 which requires the Council on Affordable Housing (COAH) and the New Jersey Highlands Council (Highlands) to enter into a Memorandum of Understanding (MOU) designed to coordinate the regulations of both agencies by maximizing affordable housing opportunities while preserving critical environmental resources; and

WHEREAS, COAH and the Highlands have prepared such an MOU, which was adopted by COAH on October 29, 2008 and by the Highlands Council on October 30, 2008; and

WHEREAS, conformance with the Highlands Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

WHEREAS, COAH regulations establish a December 31, 2008 deadline for municipalities currently under the jurisdiction of COAH to submit third round petitions for substantive certification of a municipal housing element and fair share plan; and

WHEREAS, the MOU establishes a procedure that municipalities under the jurisdiction of both COAH and the New Jersey Highlands Water Protection and Planning Act may follow to seek an extension to the December 31, 2008 deadline set by COAH for the submission of third round petitions for substantive certification of a municipal housing element and fair share plan; and

WHEREAS, the Highlands will establish growth projections for 2004-2018 which will be utilized for the purpose of projecting municipal growth share obligations for municipalities that conform to the RMP.

WHEREAS, the MOU provides for an extension of the December 31, 2008 deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction that, before December 31, 2008: 1) submits a duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines; and 2) submits a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009; and

WHEREAS, on December 3, 2008, the governing body of Union Township adopted a resolution notifying the Highlands that Union Township has set December 8, 2009 as the target date for submission of a Petition for Plan Conformance.

NOW, THEREFORE, BE IT RESOLVED, that Union Township hereby agrees that its deadline for the submission of a Housing Element and Fair Share Plan pursuant to N.J.A.C. 5:96-16 is extended from December 31, 2008 to December 8, 2009; and

BE IT FURTHER RESOLVED that the governing body of Union Township hereby directs the municipal clerk to immediately transmit a signed and sealed copy of this resolution to COAH; and

BE IT FURTHER RESOLVED that the governing body of Union Township hereby directs the municipal clerk to immediately transmit a signed and sealed copy of the December 3, 2008 duly adopted

Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines to COAH; and

BE IT FURTHER RESOLVED that the governing body of Union Township intends to submit a petition for substantive certification of a third round Housing Element and Fair Share Plan to COAH not later than December 8, 2009.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

c. The following resolution was introduced for adoption:

RESOLUTION #2008-179
Paris Grants Program
Shared Services with Hunterdon County

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities and County governments; and

WHEREAS, in the 2009-10 grant cycle, priority funding will be given to county projects to perform municipal inventories, needs assessments and strategic plans for all of their municipalities; and

WHEREAS, the Township of Union desires to collaborate with Hunterdon County in the Performance Records Reorganization, Inventory & Purging Continuation Project; and

WHEREAS, the Township of Union is acknowledging that their eligible funds, in the amount of \$40,000.00 will be leveraged with Hunterdon County; and

WHEREAS, the Township of Union is acknowledging that any balance of leveraged monies will be utilized by the County for the purpose of the completion of the County Records Center PARIS grant expansion project and or other PARIS/County approved initiatives; and

WHEREAS, the Township of Union is acknowledging that Hunterdon County would be both the lead agency and the applicant for such a proposal; and

WHEREAS, the Township of Union is acknowledging the State is the final determination of the 2009/2010 PARIS grant program and projects and agrees not to hold the County responsible for the application, project and funding award as determined by the State of New Jersey PARIS grant program for the Township of Union and the purposes set forth above; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Union Township, that the Township of Union does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

d. The following resolution was introduced for adoption:

RESOLUTION 2008-180
RE: OBTAINING OF OPEN SPACE TRUST FUNDS
FROM THE HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

WHEREAS, the Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide Program Funds in connection with municipal acquisition of lands for recreation, conservation and general open space purposes, farmland preservation, preparation of plan elements of a municipal Master Plan and/or restoration of county-owned historic facilities; and

WHEREAS, The Governing Body of the Township of Union, County of Hunterdon, desires to obtain Open Space Trust Funds in the amount of \$47,595.18, to fund the following project(s):

Milligan Farm – Union Township Open Space Plan – Green Acres Project No. 1025-02-075 – acquisition in fee simple of 83.913 acres to be permanently preserved as open space.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that:

1. Union Township Mayor Frank Mazza is authorized to: (a) make an application to the County of Hunterdon for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Grants Program and (c) act as the principal contact person and correspondent of the above-named municipality;

2. If the County of Hunterdon determines that the application is complete and in conformance with the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan, and the Policies and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such adopted policies and procedures, and applicable state and local government rules, regulations and statutes thereto;

2. Mayor Frank Mazza is hereby authorized to sign and execute any required documents and agreements with the County of Hunterdon for the approved Open Space Trust Funds.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

ITEM ADDED TO THE AGENDA

e. The following resolution was introduced for adoption:

RESOLUTION #2008-181
Re: Authorizing Deed of Conservation Restriction
to the County of Hunterdon for Block 22, Lot 20
(Milligan Farm)

WHEREAS, the Hunterdon County Board of Chosen Freeholders have agreed to cost share with Union Township in the acquisition of the open space portion of the property commonly known as Milligan Farm, Block 22, Lot 20, 80 Route 513, in the Township of Union, Hunterdon County, New Jersey, said open space totaling 85.592 acres, or 83.321 acres exclusive of County right of way and site easements, to be set aside as permanent preserved open space; and

WHEREAS, in consideration for said cost sharing, the County of Hunterdon has requested that the Township of Union execute to the County of Hunterdon a deed of conservation restriction applicable to the said permanently preserved open space; and

WHEREAS, the Township's other cost sharing partners, the New Jersey Water Supply Authority and the Green Acres Program of the Department of Environmental Protection, have both indicated that they have no objection to the grant of deed of conservation restriction by Union Township to the County of Hunterdon; and

WHEREAS, by Union Township ordinance adopted November 2, 2005 authorizing the acquisition of said lands and premises, the appropriate municipal officials and professionals were authorized to execute all documents and to do all other things necessary to apply for and obtain funding assistance from public and private non-profit organizations and agencies as may be willing to participate in such acquisition, and good cause appearing;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that the Mayor and Clerk are hereby authorized to execute a deed of conservation restriction in the form submitted by County Counsel Gaetano M. DeSapio, in consideration of Hunterdon County's cost sharing in the acquisition of Milligan Farm's open space in the amount of \$1,500,000;

BE IT FURTHER RESOLVED that an appropriate Township official is hereby authorized to execute a voucher to the County of Hunterdon's requisitioning said funds.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

f. The following resolution was introduced for adoption:

RESOLUTION #2008-182
Re: Interstate 78 – Exit 11 Interchange

WHEREAS, the Union Township Committee has been advised by Fire Chief Dan Van Fossen of the Pattenburg Volunteer Fire Company that approximately 200 serious motor vehicle accidents have taken place in less than two years at the I-78 (north side) Exit 11 interchange, specifically where the easternmost of the two entrance ramps to I-78 westbound intersects with the eastbound lane of NJ Route 173; and

WHEREAS, the Exit 11 interchange has long been known as a confusing and poorly designed interchange; however, the number of serious accidents at that intersection has dramatically increased in recent years, and

WHEREAS, there have also been a lesser number of accidents at Exit 11 where the eastbound lane of NJ Route 173 crosses the exit ramp from Route 78 west; and

WHEREAS, given the recent acceleration in the number of accidents at the Exit 11 interchange, it is only a matter of time before a fatal accident occurs, particularly at the I-78 entrance ramp/NJ Route 173 intersection; and

WHEREAS, the present “yield” signs, for whatever reason, have proven to be inadequate to prevent accidents at these dangerous intersections, and there is an urgent and emergent need to upgrade the signage at Exit 11 at the above two described intersections;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that this governing body fully supports and endorses the urgent request of Fire Chief Dan Van Fossen of the Pattenburg Volunteer Fire Company that immediate action be taken by NJDOT to correct the dangerous conditions at the two affected intersections at Exit 11; and

BE IT FURTHER RESOLVED that Union Township strongly and urgently requests that emergent action be taken by NJDOT to help prevent further accidents at Exit 11 before more injuries occur. Specifically, the present easternmost entrance ramp to I-78 west which crosses Route 173 east, should be closed and blocked off, in favor of using the adjacent westerly I-78 entrance ramp, which has not experienced such accidents, with the signage to be adjusted accordingly; and

BE IT FURTHER RESOLVED that Union Township also requests that the “yield” sign at the I-78 west exit ramp at Exit 11 be eliminated at its intersection with Route 173 east, and that a “stop” sign be installed on Route 173 eastbound, where it intersects said I-78 exit ramp, and that a “yield” sign be installed on Route 173 west where it intersects with said I-78 exit ramp, all of which would be similar to the signage currently established for the Exit 13 I-78 westbound exit ramp; and

BE IT FURTHER RESOLVED that Union Township is cognizant of the fiscal constraints which make the redesign and reconstruction of the Exit 11 interchange unlikely at the present time; however, the cost of the above proposed safety improvements would be minimal compared to the risks of property damage, personal injury and potential fatalities that presently exist at these intersections; and

BE IT FURTHER RESOLVED that a copy of this resolution and the accompanying letter of Chief Van Fossen shall be forwarded by the Municipal Clerk to Stephen T. Dilts, Acting Commissioner of the New Jersey Department of Transportation, to Douglas R. Bartlett, Manager, Bureau of Traffic Engineering and Investigations, NJDOT, to State Senator Leonard Lance and Assemblywoman Marcia Karrow and Assemblyman Michael Doherty, and to the Township Committee of the Township of Bethlehem, Hunterdon County, which adjoins the immediate area of Exit 11, and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

The Committee briefly discussed above resolution specifying suggestions of changes requested from the NJ Dept. of Transportation.

Howard Edelberg, 59 Blane Court, expressed his concerns regarding the issue saying that the same request was made five years ago, to no avail. The Committee responded with confidence that this time they will pursue it until it is resolved and will update Mr. Edelberg on the progress.

Mr. Severino made a motion to adopt the above resolution. Mr. Bischoff seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

g. The following resolution was introduced for adoption:

RESOLUTION 2008-183

ESCROW REFUND

Woods Edge Court

Lisa and Thomas Coster

James and Petrina Milo

**Laura Koiner
Vincent and Evelyn Holmes
Kevin and Mary Therese Anderson**

WHEREAS, the above referenced neighbors did post an escrow account for a road opening back in 2003, and

WHEREAS, the work and inspections were completed, and

WHEREAS, all invoices were paid, and

WHEREAS, there is a remaining balance of \$356.25 in the escrow account

NOW, THEREFORE, BE IT RESOLVED that the balance of this escrow account, in the amount of \$356.25 be refunded in increments of \$71.25 to the following:

Lisa and Thomas Coster
James and Petrina Milo
Laura Koiner
Vincent and Evelyn Holmes
Kevin and Mary Therese Anderson

Mr. Severino questioned the validity of the refunds after that many years. In response, Engineer Reymann stated that if the gas company fails to notify him we have no records that the service was performed and the money can be refunded.

Mr. Severino made a motion to adopt the above resolution. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

h. The following resolution was introduced for adoption:

Resolution #2008-184

UNION TOWNSHIP, HUNTERDON COUNTY
APPROPRIATION TRANSFER(S)

Be it resolved by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that there are insufficient funds to meet the demands necessary for the 2008 Budget in the following accounts:

TO:	Engineering OE	10516020	10,000.00
	Planning Board OE	10518020	5,000.00
	Building and Grounds OE	10531020	10,000.00
	Municipal Court OE	10649020	5,000.00
			\$30,000.00

WHEREAS, the following account(s) have sufficient excess funds to meet such demands:

FROM:	Emergency Management OE	10525220	\$ 1,500.00
	Road Maintenance S & W	10529010	10,000.00

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Road Maintenance OE	10529020	10,000.00
Environmental Health OE	10533520	3,500.00
Maintenance of Parks OE	10537520	3,000.00
Municipal Clerk S & W	10512010	2,000.00

\$30,000.00

BE IT RESOLVED that in accordance with the provisions of R.S. 40A:4-58 the Chief Financial Officer is hereby authorized to make the transfer(s) required to meet the obligations of Union Township.

Mr. Bischoff questioned transfer of extra money to the Planning Board OE and Municipal Court OE. He will contact the CFO for clarification.

Mr. Haynes made a motion to adopt the above resolution. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Dziubek (conditionally upon approval of the CFO that all the transfers are appropriate). Abstained: Mr. Bischoff. Motion Carried.

i. **DISCUSSION:** New Fax Machine and Phone Line Request

Deputy Mayor Dziubek stated that the Construction Dept. submitted a written request for a new fax machine and new telephone number. The UT Municipal Court took the phone number and the fax machine when they moved to their new location in Clinton Township.

Darlene Beam, Technical Assistant to the Construction Office, present for the meeting, explained the need for the new equipment and services. As the Vital Statistics Registrar and the Construction Office Assistant, she faxes daily. She also mentioned that the Planning Board Secretary used the fax machine downstairs. Mrs. Beam indicated that the only other fax machine is located in upstairs offices.

In response, Mrs. Dziubek said that in the current economic situation no funds should be spent on non-essential equipment or services.

Jeff Polenz, EMS Coordinator, offered use of his phone line. The possibility would be looked into tomorrow.

It was the Committee's agreement that purchase of the fax machine will be postponed until availability of the phone line is determined.

j. **DISCUSSION:** Holiday Hours

Deputy Mayor Dziubek said that Township employees submitted a written request for the Township Committee to consider closing the Municipal Building on Friday, December 26, 2008 following the December 25th Holiday. The request also included Friday, January 2, 2008 following the New Year's Day Holiday.

After a discussion, the Committee agreed to close the Municipal Building at noon on Wednesday, December 24, 2008 and Friday, December 26, 2008 for all who are eligible.

k. **Appointment: William Harclerode as a member of the Wastewater Management Plan Advisory Committee**

Deputy Mayor Dziubek appointed William Harclerode as a member of the Wastewater Management Plan Advisory Committee.

NEW ORDINANCE – 1ST Reading – None

REPORTS

- a. **Engineer's Report** – a copy of the report has been submitted
- Edna Mahan Frontage Road Connection – the contract has been awarded to Gannet Fleming.
 - Van Syckel's Rd. Improvement Contract – the check from NJDOT should be released in the next two weeks.
 - NJDOT Fiscal Year 2009 Municipal Aid Program – UT was not granted any funds for 2009.
 - Wastewater Management Plan – The next County meeting is scheduled for December 3, 2008. Steve Balzano will be attending.
 - Van Syckel Corner Rd. and Coachmen Dr. – the easement has been executed and the Road Dept. will install the new drainage in the near future.
- b. **Attorney's Report** – Mr. Jost reported the following:
- The Committee was copied with a letter from Brass Castle Association seeking permission to demolish the bus shelter at the entrance of the development.
 - Has matters for Executive Session
- c. **Mayor's Report** – not present at the meeting
- In the absence of Mayor Mazza, Mr. Bischoff updated the Committee on the health conditions of the Mayor's wife, who had been operated on today. He said that the surgery went very well and she is doing fine, possibly coming home tomorrow.
- d. **Committee Report**

Mr. Bischoff reported the following:

- Read a short article from the Hunterdon County News titled "Melick Tries To Quash UT Milligan Deal"

Mr. Severino reported the following:

- Nothing to report

Mr. Haynes reported the following:

- The Boy Scouts are going to do a landscaping project in front of the Municipal Building. Mr. Haynes asked if the Committee would be willing to grant funds towards materials such as mulch, trees, etc. in the event the Scouts are not able to get the materials donated. It was the Committee's decision that a written request be submitted if the Scouts could not obtain materials through donations.
- A problem arose with leaves raked from private yards into a street. It has been the Township policy that the Road Dept. Foreman notifies the Zoning Officer of a violation. Zoning Officer generates a letter of violation to the property owner. Mr. Haynes is concerned that the letters of violation do not go out in a timely manner. Mr. Bischoff suggested contacting Zoning Officer McManus to discuss that matter.

Mr. Bischoff asked the Clerk to post information regarding UT Municipal Court relocation to Clinton Township on the Township's website.

Mrs. Dziubek reported the following:

- Asked that a resolution is placed on the next meeting agenda indicating that the Township is submitting a Developers Fee ordinance to COAH for approval.
- Mary Beth Lonergan told Mrs. Dziubek that after talking with Developers who have picked up RFP's for Milligan Farm Project they are still interested in it.

Mr. Bischoff indicated that in the Shared Court Services Agreement there is a provision for UT Court Liaison Committee. That Committee determines division of services so the costs are fair and just from year to year. It was proposed that the Mayor and Mr. Bischoff be the Liaison Committee to the Clinton Twp. Court.

Mr. Bischoff stated that a meeting has been scheduled for next Wednesday with Clinton Twp. Administrator Joss and Mayor Elect, Kevin Cimei, to discuss costs and appointments for next year.

Atty. Jost asked for a motion to appoint Mr. Bischoff and Mr. Mazza as the Liaison Committee to the Clinton Twp. Shared Court Services. Mr. Severino made that motion. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

Mr. Bischoff, at the request of the Historical Society, inspected the Historical Building. He said there is a problem with rodents. He asked that the Road Department pour concrete to block holes where rodents enter the building. Mr. Haynes will notify the Road Dept.

e. Clerk's Report

- Nothing to report

PUBLIC COMMENTS

William Harclerode – asked if the quarterly letter for Sidney Brook Watershed Protection Plan was mailed to the State. Clerk said the letter went out, but will check with the Township CFO.

Mr. LeVasseur commented on the Exit 11 resolution.

PAYMENT OF THE BILLS

Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

EXECUTIVE SESSION

The following resolution was introduced for adoption:

RESOLUTION #2008-185

Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

WHEREAS, the *Open Public Meetings Act, N.J.S.A. 10-4-12*, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

7. _____ *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:* Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive session on December 3, 2008 at 9:42 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

At 9:54 pm, Mr. Bischoff made a motion to come out of the Executive Session. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

After reconvening to open session of the meeting, Mrs. Dziubek suggested that due to economic difficulties and the fact that the money has to be transferred between accounts to pay bills any expenditure of funds for non-essentials over \$500.00 has to be approved by the CFO and at least two of the Committee Members. The Committee agreed.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mr. Haynes made a motion to adjourn. Mr. Severino seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 10:02 p.m.

Respectfully submitted,

Ella Malecki Ruta, RMC
Municipal Clerk